



Kerr Law, P.C.

Dana Robert Kerr, Attorney at Law

August 8, 2019

Ms. Dion Novak, Remedial Project Manager  
U.S. Environmental Protection Agency, Region 5  
Superfund Division – Remedial Response Branch 2  
Remedial Response Section 3 SR-6J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-1590

**Re: Request for Information**  
**Franklin Street Groundwater Site, Spencer, Indiana**  
**Property Address: 640 East Franklin Street, Spencer, Indiana**

Dear Dion,

Thank you and Nicole for discussing the Franklin Street Groundwater Site with me as it relates to my client, Myra Fellure. Enclosed you will find her response to the Request for Information. Myra's son, Ed Fellure, worked at the property when they operated the cabinet making shop. Myra enlisted Ed's assistance in answering the questions and the answers given incorporates the extent of Ed's knowledge as well as Myra's.

We appreciate your patience in receiving Myra's response. There is minimal information available to the public on the Franklin Street Groundwater site and it is best to know why questions are asked when they are answered.

If you have questions or require additional information, please contact me.

Sincerely,

**Kerr Law, P.C.**

Dana Robert Kerr  
Attorney at Law

Enclosure C  
Information Request  
Franklin Street Groundwater Site

QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these Information Requests. *DANA KEIRZ - ATTY.  
EDWARD C. FELLURE*
2. Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents. *SHERIFF SALE / BANK FORECLOSURE - 2004*
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons. *N/A*
4. List the EPA Identification Numbers of the Respondent. *NONE KNOWN*
5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents that may have caused the release or threat of release of hazardous substances, pollutants or contaminants and damages resulting therefrom. *NONE*
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors or by prior owners and/or operators. *RESPONSES OF EDWARD C. FELLURE  
INCORPORATED IN THESE RESPONSES*
7. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials? If the answer to the preceding question is anything but an unqualified "no", identify: *OUR USE OF THE PROPERTY WAS MANUFACTURING  
WOOD CABINETS, WHERE WOOD STAINS + SEALERS WERE USED*
  - (a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance; *GUARDSMAN FINISHES - LIQUID*
  - (b) Who supplied you with such hazardous substances; *DISTRIBUTOR - THE COURTER CO.*
  - (c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; *STAINS + SEALERS USED  
IN CABINET FINISHING PROCESS. NO WASTE GENERATED*
  - (d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; *(APPROX.) 1984-1989*
  - (e) Where such hazardous substances were used, purchased, generated, stored, treated,

transported, disposed or otherwise handled by you; and *FINISHING ROOM OF 640 E. FRANKLIN ST., SPENCER, IN 47460*

(f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you. *STAIN = 2 5 GAL CAN/MONTH*  
*SEALER = 1-55 GALLON DRUM/MONTH*

**[Questions for Transporters]** *TOP COAT = 1-55 GALLON DRUM/MONTH*

8. Have you or any other person working with you or on your behalf ever accepted waste materials for transportation to the Site (to transshipment site) from any person? If the answer to this question is anything but an unequivocal no, identify: *NO.*

(a) The persons from whom you or such other persons accepted waste materials for transport to the Site;

(b) Every date on which waste materials were so accepted or transported;

(c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the material was used or the process which generated the material;

(d) For each material, describe any warnings given to you with respect to its handling;

(e) The owner of the materials so accepted or transported;

(f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;

(g) All tests or analyses and analytical results concerning each material; and

(h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site).

9. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing or otherwise handling hazardous substances or materials at the Site. *THE COMPANY MANUFACTURED WOOD CABINETS. MATERIALS USED WERE WOOD, STAINS + SEALERS.*

10. State the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g., deeds, leases). *OWNED = 1984-2005*  
*OPERATED = APPROX 1984-1989 AFTER CLOSING OPERATIONS*

*LEASED TO MC CORMICK CO. CABINETS, PALLET CO. (NAME UNKNOWN)*

11. Provide information about the Site, including but not limited to the following:

*SEE ATTACHED DOCUMENTS FROM SHERIFF SALE*

(a) Property boundaries, including a written legal description;

*SEE ATTACHED*

(b) Location of underground utilities (telephone, electrical, sewer, water main, etc.);

*SEE ATTACHED*

(c) Surface structures (e.g., buildings, tanks);

*SEE ATTACHED*

(d) Ground water wells, including drilling log;

*SEE ATTACHED*

(e) Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s) and other underground structures; and where, when and how such systems are emptied; *UNKNOWN*

(f) Any and all additions, demolitions or changes of any kind on, under or about the Site, to its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the Site; and *NONE*

(g) All maps and drawings of the Site in your possession.

*SEE ATTACHED*

12. Identify all past and present solid waste units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas) on the Site (or your property). For each such solid waste unit identified, provide the following information:

*NONE*

(a) A map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;

(b) The type of unit (e.g., storage area, landfill, waste pile), and the dimensions of the unit;

(c) The dates that the unit was in use;

(d) The purpose and past usage (e.g., storage, spill containment);

(e) The quantity and types of materials (hazardous substances and any other chemicals) located in each unit;

(f) The construction (materials, composition), volume, size, dates of cleaning and condition of each unit; and

(g) If unit is no longer in use, how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.

13. Identify the prior owners of the Site. For each prior owner, further identify:

*PROPERTY WAS PURCHASED FROM ROSTONE CORP. IN 1984.*

(a) The dates of ownership; *INFORMATION ON PRIOR OWNERS UNKNOWN.*

(b) All evidence showing that they controlled access to the Site; and

(c) All evidence that a hazardous substance, pollutant or, was released or threatened to be released at the Site during the period that they owned the Site.

14. Identify the prior operators, including lessors, of the Site. For each such operator, further identify: *SEE RESPONSE FOR #13*

(a) The dates of operation;

(b) The nature of prior operations at the Site;

(c) All evidence that they controlled access to the Site; and

(d) All evidence that a hazardous substance, pollutant or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

15. Provide copies of all local, state and federal environmental permits ever granted for the facility or any part thereof (e.g., RCRA permits, National Pollutant Discharge Elimination System permits). *NO PERMITS KNOWN.*

16. Did the facility ever have "interim status" under RCRA? If so, and the facility does not currently have interim status; describe the circumstances under which the facility lost interim status. *NO.*

17. Did the facility ever file a notification of hazardous waste activity under RCRA? If so, provide a copy of such notification. *NO.*

18. Provide all reports, information or data related to soil, water (ground and surface) or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data. *NONE KNOWN.*

19. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the Site? If so, identify: *NO.*

(a) What the nature and scope of these investigations will be;

(b) The contractors or other persons that will undertake these investigations;

(c) The purpose of the investigations;

(d) The dates that such investigations will take place and be completed; and

(e) Where on the Site such investigations will take place.

20. Identify all leaks, spills or releases into the environment of any hazardous substances, pollutants or contaminants that have occurred at or from the Site. In addition, identify:

*NONE KNOWN*

- (a) When such releases occurred;
- (b) How the releases occurred;
- (c) The amount of each hazardous substances, pollutants or contaminants so released;
- (d) Where such releases occurred;
- (e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
- (f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface) or air testing undertaken; and
- (g) All persons with information relating to these releases.

21. Was there ever a spill, leak, release or discharge of hazardous materials into any subsurface disposal system or floor drain inside or under the (Name of PRP) building? If the answer to the preceding question is anything but an unqualified "no," identify: *NO*

- (a) Where the disposal system or floor drains were located;
- (b) When the disposal system or floor drains were installed;
- (c) Whether the disposal system or floor drains were connected to pipes;
- (d) Where such pipes were located and emptied;
- (e) When such pipes were installed;
- (f) How and when such pipes were replaced, or repaired; and
- (g) Whether such pipes ever leaked or in any way released hazardous materials into the environment.

22. Did any leaks, spills or releases of hazardous materials occur on the Site when such materials were being: *NO*

- (a) Delivered by a vendor;

(b) Stored (e.g., in any tanks, drums or barrels);

(c) Transported or transferred (e.g., to or from any tanks, drums, barrels or recovery units);  
and

(d) Treated.

23. Has soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no," identify: *NO*.

(a) Amount of soil excavated;

(b) Location of excavation;

(c) Manner and place of disposal and/or storage of excavated soil;

(d) Dates of soil excavation;

(e) Identity of persons who excavated or removed the soil;

(f) Reason for soil excavation;

(g) Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials; and

(h) All analyses or tests and results of analyses of the soil that was removed from the Site.

24. Provide a list of the customers you supplied hazardous substances to between (date) and (date). *NONE / NOT APPLICABLE*

Enclosure D  
Information Request  
Franklin Street Groundwater Site

**DECLARATION**

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on August 5, 2019

  
Signature

MYRA J. FELLURE  
Type or Print Name

\_\_\_\_\_  
Title



## ADMINISTRATIVE INFORMATION

PARCEL NUMBER  
60-10-21-300-330.000-028

Parent Parcel Number

Property Address  
640 E FRANKLIN ST

Neighborhood  
912311 COMMERCIAL/INDUSTRIAL-912311

Property Class  
340 Industrial Lt mfg & assembly

## TAXING DISTRICT INFORMATION

Jurisdiction 060  
Area 012  
Corporation N  
District 028  
Section & Plat 21  
Routing Number SP-21-36

## Site Description

Topography:  
Level  
Public Utilities:  
All

Street or Road:  
Paved, Alley

Neighborhood:  
Static

Zoning

Legal Acres:  
4.8600

## OWNERSHIP

Demilt Holdings LLC  
110 N NEWSTEAD AVE  
Saint Louis, MO 63108-2268

IN S 1/2 SW S21 T10 R3 4 86A IN SW S21 T10 R3 47A AKA TRACT 3

Tax ID 60-10-21-300-330.000-028

Printed 8/1/2019

## TRANSFER OF OWNERSHIP

Date	Transfer From	Book/Page-Document	Consideration
12/30/2015	PAIN REAL ESTATE HOLDINGS, LLC	Bk: - Pg	\$325,000.00
10/03/2005	Monroe Bank	Bk: - Pg	\$360,000.00
10/03/2005	MONROE BANK	Bk: - Pg	\$360,000.00
12/16/2004	FELLURE EDWARD A & MYRA J	Bk: - Pg	\$500,000.00

## INDUSTRIAL

## VALUATION RECORD

Assessment Year	03/01/2012	03/01/2013	03/01/2014	03/01/2015	01/01/2016	01/01/2017	01/01/2018	01/01/2019
Reason For Change	04- Board of Re	51- Annual Reas	51- Annual Reas	51- Annual Reas	51- Annual Reas	51- Annual Reas	51- Annual Reas	51- Annual Reas
VALUATION	L 49000	49000	49000	49000	49000	49000	49000	49000
Appraised Value	B 267300	276000	279100	294000	263900	263900	272700	272700
	T 316300	325000	328100	343000	312900	312900	321700	321700
VALUATION	L 49000	49000	49000	49000	49000	49000	49000	49000
True Tax Value	B 267300	276000	279100	294000	263900	263900	272700	272700
	T 316300	325000	328100	343000	312900	312900	321700	321700

## LAND DATA AND CALCULATIONS

	Rating Soil ID -or- Actual Frontage	Measured Acreage -or- Effective Frontage	Table 120 Effective Depth	Prod. Factor -or- Depth Factor -or- Square Feet	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value Value
1 PRIMARY		3.0000		1.00	12000.00	12000.00	36000		36000
2 SECONDARY		1.8600		1.00	7000.00	7000.00	13020		13020

001  
APPEAL 60-028-12-4-00103

Supplemental Cards

TRUE TAX VALUE 49020

## FARMLAND COMPUTATIONS

Parcel Acreage	4.8600	Measured Acreage	4.8600
81 Legal Drain NV	[-]	Average True Tax Value/Acre	
82 Public Roads NV	[-]	TRUE TAX VALUE FARMLAND	
83 UT Towers NV	[-]		
9 Homesites(s)	[-]	Classified Land Total	
91/92 Excess Acreage	[-]	Homesite(s) Value	[+]
		Excess Acreage Value	[+]
TOTAL ACRES FARMLAND		Supplemental Cards	
TRUE TAX VALUE		TOTAL LAND VALUE	49000

# PHYSICAL CHARACTERISTICS

## ROOFING

## WALLS

Frame	B	1	2	U
Brick				
Metal				
Guard				

## Framing

F Res	B	1	2	U
	0	46460	560	2562

## FINISH

	UF	SF	FO	FD
1	0	0	46460	0
2	0	0	560	0
U	0	0	560	0
Total	2562	0	47020	0

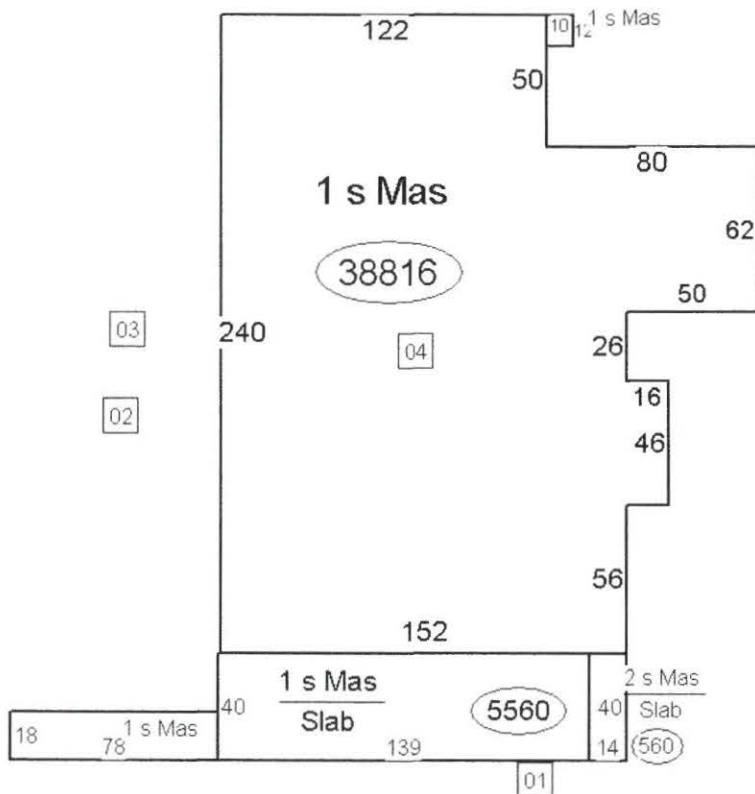
## HEATING AND AIR CONDITIONING

A/C	B	1	2	U
	0	2323	0	2562

## PLUMBING Residential Commercial

# TF # TF

# IMPROVEMENT DATA



60-10-21-300-330 000-028  
640 E FRANKLIN ST

Property Class: 340

P Key	GCI04	GCI04	GCI05	00
#Units				
AVSize				
Floor	1	1	2	M1
Perim	1618	1618	108	0
PAR	3	3	19	0
Height	14	14	14	14
Use	LMFG	LMFG	LMFG	LMFG
Use SF	46460	0	560	2562
Use %	100.00 %	0.00 %	100.00 %	100.00 %

Rate	48.27	46.41	132.76	31.65
Fr Adj	0.00	0.00	0.00	0.00
WH Adj	0.00	0.00	5.36	0.00
Ot Adj	0.00	0.00	0.00	0.00
BASE	48.27	46.41	138.12	0.00
BPA %	100.00 %	100.00 %	100.00 %	0.00 %

Subtot	48.27	46.41	138.12	31.65
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U Fin	0.00	0.00	0.00	0.00
Ot Adj	0.00	0.00	0.00	0.00
IntFin	0.00	0.00	0.00	0.00
Div W	0.00	0.00	0.00	0.00
Lightg	0.00	0.00	0.00	0.00
AirCon	0.12	2.38	0.00	2.45
Heat	-4.69	0.00	-4.69	0.00
Sprink	0.00	3.04	0.00	0.00

SF Pr	43.70	51.83	133.43	34.10
x SF	2030300	2287620	74720	0

Subtot	2105020			
Plumb	14000			
SpFeat	0			
ExFeat	0			
TOTAL	2119020			
Qual/Gr				

RCN 1991880

Use Dep	67/0	80/0	67/0	80/0
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# SPECIAL FEATURES

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
02 TR	3.30	C	LMFG	0.00		C	1952	1987	AV	0.00	N	0.00	49582	1991880	67	30	100	100	249800
		01	LOADDOCK	3.50	4	D+2	1952	1951	AV	12.85	N	10.90	15 X 26	4240	80	0	100	100	900
		02	FENCECL	0.00	51E	C	1952	1951	AV	11.38	Y	12.42	1656	20570	80	0	100	100	4100
		03	PAVING	5.00	85	C	1965	1966	AV	2.58	N	2.43	3000	7290	80	0	100	100	1500
		04	MEZZ	1.00		C	1952	1951	AV	31.65	N	32.10	2562	82120	80	0	100	100	16400

# SUMMARY OF IMPROVEMENTS

Data Collector/Date

JG/3/2/2016

Appraiser/Date

JG/3/1/2015

Neighborhood

Neigh 912311

Supplemental Cards

TOTAL IMPROVEMENT VALUE

272700

STATE OF INDIANA  
SS:  
COUNTY OF OWEN

OWEN CIRCUIT COURT  
CAUSE NUMBER: 60 CO1 0402 MF 078

MONROE BANK, f/k/a  
MONROE COUNTY BANK,  
Plaintiff,  
VS.

EDWARD A. FELLURE and  
MYRA J. FELLURE,  
Defendants.

### **RETURN ON ORDER OF SALE**

By virtue of a certified copy of a Judgment and a certified copy of the Nunc Pro Tunc Entry of Corrected Judgment directed from the Clerk of the Owen Circuit Court in the above cause which came to hand November 3, 2004, I advertised the within described real estate, by first giving due legal notice of the time and place of sale for at least thirty (30) days next before the day of sale, by posting printed notice thereof in three public places in the Washington Township, Owen County, Indiana, wherein said property is situated, and one at the Courthouse of Owen County, Indiana, by publication for three weeks successively, one time each week, the first being thirty (30) days or more before the date of sale, in the *Spencer Evening World*, a daily newspaper of general circulation printed in the English language, and published in the City of Spencer, in said County, and by serving a copy of the written or printed notice of sale upon each owner of the real estate, as provided in the Indiana Rules of Trial Procedure governing service of process upon a person, to include notice of said sale being sent by certified mail, return receipt, to each owner of said real estate, said sale was

set for the 16th day of December, 2004, and I did, on said day at the Sheriff's Office of said County at 10:30 o'clock a.m., at public auction, offer the real estate described as follows:

In Section 21, Township 10 North, Range 3 West, beginning at a point which is 1101.3 feet East and 1283.75 feet South of the Northwest corner of the Southwest quarter of said Section 21, said point of beginning being also further described as being 177.3 feet East and 52.25 feet South of a stone recorded as stone marked "2" and indicated by a 1 1/2 inch iron pipe; said reference stone being at the Southwest corner of Morningside Addition to the Town of Spencer, Indiana, and likewise at the Southeast corner of Wark's Addition to said Town of Spencer; running thence South 3 degrees 4 minutes East a distance of 375 feet; thence North 86 degrees; 56 minutes East a distance of 580.8 feet; thence North 3 degrees 4 minutes West a distance of 375 feet; thence South 86 degrees 56 minutes West along and with the South right-of-way of Vandalia Railroad a distance of 580.8 feet to the place of beginning.

Also, together with the rights granted and contained in a certain Warranty Deed dated October 15, 1984 and recorded October 7, 1986 in Deed Book 151, pages 291-293, Recorder's office, Owen County, Indiana, which rights were granted by the Grantor in said deed to the Grantee in said Deed and being described therein as follows:

The right, power and privilege to construct, inspect, maintain, operate, repair and remove a sewer or drainage tile line, over, across, in and under the lands of the Grantors from a point on the South line of the real estate herein conveyed to Grantee running thence South to White River. Said right of way is more particularly described as follows: Beginning at a point on the South line of the above described real estate, which point is 290 feet West of the Southeast corner of said tract, and running thence South to White River, which right of way hereby granted shall be of sufficient width to enable Grantee to construct, inspect, maintain, operate, repair and remove such sewer or drainage tile line.

Also, the right to enter upon the lands of Grantors for the purpose of constructing, inspecting, maintaining, operating, repairing and removing such sewer or drainage tile line, and Grantee shall pay Grantors for such damage to Grantor's real estate or growing crops as may be necessarily occasioned by such entry. The easement and rights hereby granted shall operate as a covenant running with the land.

Subject to an easement and right to enter upon the real estate described as follows:

A part of the Southwest quarter of the Southwest quarter of Section Twenty-one (21), Township Ten (10) North, Range Three (3) West, Owen County, Indiana, and more particularly described as follows:



Commencing at the Southwest corner of said quarter quarter Section; thence East Zero (0) degrees and Zero (00) minutes North 29.04 rods (479.2 feet); thence North Zero (0) degrees and Zero (00) minutes East 60.50 feet to the place of beginning; thence North Zero (0) degrees and Zero (00) minutes East 589.00 feet; thence North Eighty-eight (88) degrees and Fifty-seven (57) minutes East 211.50 feet; thence South Zero (0) degrees and Zero (00) minutes West 589.00 feet; thence South Eighty-eight (88) degrees and Fifty-seven (57) minutes West 211.50 feet to the place of beginning.

Also; Beginning at a point 1101.3 feet East and 1283.75 feet South of the Northwest corner of the Southwest quarter of said Section 21, Township 10 North, Range 3 West and running thence South 3 degrees 4 minutes East a distance of 375 feet to the point of beginning of this tract; and running thence South 35 feet; thence North 86 degrees 56 minutes East a distance of 956.2 feet; thence North 3 degrees 4 minutes West 410 feet; thence South 86 degrees 56 minutes West along the South right-of-way line of Vandalia Rail Road 375.4 feet; thence South 375 feet; thence West parallel with the South line of this tract 580.8 feet to the place of beginning.

Subject to an ingress/egress easement described as follows:

Beginning at the above mentioned Point of Beginning; thence South 86 degrees, 56 minutes, 00 seconds, West, a distance of 583.04 feet; thence North (assumed bearing), a distance of 35.0 feet along the East right-of-way line of Taylor Street; thence North 86 degrees, 56 minutes, 00 seconds East, a distance of 580.80 feet; thence South 03 degrees, 40 minutes, 05 seconds East, a distance of 34.95 feet, to the point of beginning.

Subject to a uniform 35-foot wide ingress/egress easement lying 17.5 feet on each side of the following described centerline: Commencing at the above mentioned Point of Beginning; thence North 03 degrees, 40 minutes, 05 seconds West, a distance of 292.42 feet to the Point of Beginning; thence Northwesterly along a curve concave to the Northeast with an arc distance of 26.46 feet, a chord distance of 26.39 feet, a radius of 100.00 feet, an interior angle of 15 degrees, 09 minutes, 44 seconds, a chord bearing of North 71 degrees, 12 minutes, 12 seconds West; thence North 63 degrees, 37 minutes, 20 seconds West, a distance of 175.00 feet; thence North 03 degrees, 40 minutes, 05 seconds West, a distance of 16.96 feet to the point of termination at the South right-of-way line of the Vandalia Railroad.

EXCEPT THE FOLLOWING:

A part of the Southwest Quarter of Section 21, Township 10 North, Range 03 West of the Second Principal Meridian, Owen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section; thence South a distance of 1,283.75 feet; thence East a distance of 1,101.3 feet; thence South 03 degrees, 40 minutes, 05 seconds East (Deed Bearing South 03 degrees, 04 minutes, 00 seconds East), a distance of 409.95 feet to the Point of Beginning; thence North 03 degrees, 40 minutes, 05 seconds West, a distance of 409.95 feet to an iron pin set this survey (deed bearing - North 03 degrees, 04 minutes, West); thence North 86 degrees, 22 minutes, 40 seconds East on and along the South right-of-way of Vandalia Railroad, a distance of 375.40 feet to an iron pin found this survey; thence South 03 degrees, 21 minutes, 18 seconds East, a distance of 413.57 feet (deed bearing and distance - South 03 degrees, 04 minutes East, a distance of 410 feet); thence South 86 degrees, 56 minutes, 00 seconds West, a distance of 373.16 feet to the Point of Beginning; containing 3.54 acres, more or less, subject to all legal rights-of-way and easements of record.

Said property is more commonly known as 640 E. Franklin Street, Spencer, Indiana 47460.

And MONROE BANK

did then and there bid the sum of \$ 500,000.00, said sum being less than the total amount of the Judgment entered July 14, 2004 and the Nunc Pro Tunc Entry of Corrected Judgment entered November 3, 2004 by the Owen Circuit Court in favor of Monroe Bank in the above cause, plus interest and costs as stated in said Judgment and corrected Judgment, all of said costs having been paid by Monroe Bank, and no person bidding more, and that being the highest bid, the same was in due form openly struck off and sold to MONROE BANK

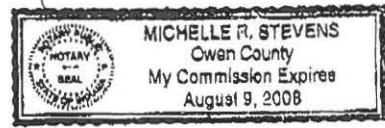
\_\_\_\_\_ for said sum. I executed and delivered to said purchaser a Deed to said real estate.

DATED: 12/16/04

Robert Delano Jones (#4969-53)  
JONES, McGLASSON & BENCKART, P.C.  
P. O. Box 279  
Bloomington, IN 47402-0279  
(812) 332-4431

Harley E. Melton  
Harley E. Melton, Sheriff  
Owen County, Indiana

Michelle R. Stevens  
Notary



**DULY ENTERED**

**JULIE BANDY**

**OWEN COUNTY RECORDER**

**2P**

**JAN 25 2005**

**IN 159595**

**DE 218/59**

**PF Date 01/25/2005**

**Time 08:49:23**

**DOCUMENT:**

**16.00**

*Auditor Owen County*  
*Angie Lawson*

Mail Tax Statements To: 111 S. Lincoln  
Bloomington, IN 47408

**SHERIFF'S DEED**

THIS INDENTURE WITNESSETH that Harley E. Melton, as Sheriff of Owen County, State of Indiana, conveys to Monroe Bank, in the State of Indiana, in consideration of the sum of \$500,000.00, the receipt of which is hereby acknowledged, on sale made on November 18, 2004, by virtue of a Decree Judgment, issued from the Circuit Court of Owen County, in the State of Indiana, pursuant to the laws of said state, said Judgment being entered on July 14, 2004 and Nunc Pro Tunc Entry of Corrected Judgment entered November 3, 2004, in Cause No. 60-CO1-0402-MF-078, wherein Monroe Bank, f/k/a Monroe County Bank was the Plaintiff and Edward A. Fellure and Myra J. Fellure were Defendants, in consideration of the sum aforesaid, the following described real estate in Owen County, Indiana, to-wit:

In Section 21, Township 10 North, Range 3 West, beginning at a point which is 1101.3 feet East and 1283.75 feet South of the Northwest corner of the Southwest quarter of said Section 21, said point of beginning being also further described as being 177.3 feet East and 52.25 feet South of a stone recorded as stone marked "2" and indicated by a 1 1/2 inch iron pipe; said reference stone being at the Southwest corner of Morningside Addition to the Town of Spencer, Indiana, and likewise at the Southeast corner of Wark's Addition to said Town of Spencer; running thence South 3 degrees 4 minutes East a distance of 375 feet; thence North 86 degrees 56 minutes East a distance of 580.8 feet; thence North 3 degrees 4 minutes West a distance of 375 feet; thence South 86 degrees 56 minutes West along and with the South right-of-way of Vandalia Railroad a distance of 580.8 feet to the place of beginning.

Also, together with the rights granted and contained in a certain Warranty Deed dated October 15, 1984 and recorded October 7, 1986 in Deed Book 151, pages 291-293, Recorder's office, Owen County, Indiana, which rights were granted by the Grantor in said deed to the Grantee in said Deed and being described therein as follows:

The right, power and privilege to construct, inspect, maintain, operate, repair and remove a sewer or drainage tile line, over, across, in and under the lands of the Grantors from a point on the South line of the real estate herein conveyed to Grantee running thence South to White River. Said right of way is more particularly described as follows: Beginning at a point on the South line of the above described real estate, which point is 290 feet West of the Southeast corner of said tract, and running thence South to White River, which right of way hereby granted shall be of sufficient width to enable Grantee to construct, inspect, maintain, operate, repair and remove such sewer or drainage tile line.

Also, the right to enter upon the lands of Grantors for the purpose of constructing, inspecting, maintaining, operating, repairing and removing such sewer or drainage tile line, and Grantee shall pay Grantors for such damage to Grantor's real estate or growing crops as may be necessarily occasioned by such entry. The easement and rights hereby granted shall operate as a covenant running with the land.

Subject to an easement and right to enter upon the real estate described as follows:

A part of the Southwest quarter of the Southwest quarter of Section Twenty-one (21), Township Ten (10) North, Range Three (3) West, Owen County, Indiana, and more particularly described as follows:

Commencing at the Southwest corner of said quarter quarter Section; thence East Zero (0) degrees and Zero (00) minutes North 29.04 rods (479.2 feet); thence North Zero (0) degrees and Zero (00) minutes East 60.50 feet to the place of beginning; thence North Zero (0) degrees and Zero (00) minutes East 589.00 feet; thence North Eighty-eight (88) degrees and Fifty-seven (57) minutes East 211.50 feet; thence South Zero (0) degrees and Zero (00)





IN WITNESS WHEREOF, I, THE UNDERSIGNED Sheriff aforesaid, have hereunto set my hand and seal  
this 16 day of December, 2004.

Harley E. Melton  
Harley E. Melton, Sheriff  
Owen County, Indiana

STATE OF INDIANA, COUNTY OF OWEN, SS:

Before me, a Notary Public, personally appeared the within named Harley E. Melton, Sheriff, Owen County, Indiana, this 16th day of December, 2004, who executed the foregoing in my presence and acknowledged the truth of the statements contained therein.

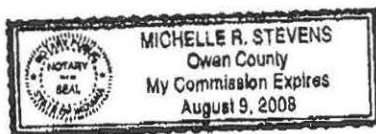
My Commission Expires:

Aug. 9, 2008

Michelle R. Stevens  
Michelle R. Stevens Notary Public  
Residence: Owen County, IN

This transaction is exempt under I.C. 6-1.1-5.5-2(3).

This instrument prepared by  
Robert Delano Jones, Attorney at Law  
JONES, McGLASSON & BENCKART, P.C.  
Bloomington, Indiana.



STATE OF INDIANA  
SS:  
COUNTY OF OWEN

OWEN CIRCUIT COURT  
CAUSE NUMBER: 60 CO1 0402 MF 078

MONROE BANK, f/k/a  
MONROE COUNTY BANK,  
Plaintiff,  
VS.

EDWARD A. FELLURE AND  
MYRA J. FELLURE,  
Defendants.

F373  
JUL 10 2024

NOV 09 2024

OWEN CIRCUIT COURT

### **NUNC PRO TUNC ENTRY OF CORRECTED JUDGMENT**

This cause comes before the Court on the Plaintiff's Complaint on Promissory Note and Foreclosure of Mortgage; the Defendants' Answer thereto; and the Plaintiff's Motion for Summary Judgment, said Complaint, Answer, and Motion being in the words and figures as follows, to-wit: (H.I.).

The Court, having examined the papers and pleadings on file in this cause, and having considered the Affidavit filed herein, and now being duly advised in the premises, FINDS that:

1. The Defendants appeared by counsel herein and filed their Answer to said Complaint, and have consented to this Judgment.
2. There is no genuine issue as to any material fact, and the allegations of the Plaintiff's Complaint are true, and the Plaintiff is entitled to judgment as a matter of law.

3. The allegations contained in the Plaintiff's Complaint are true and there is due to the Plaintiff from the said Defendants on the Note sued upon in the Complaint the sum of Eight Hundred Thirty-Two Thousand Two Hundred Forty-Seven Dollars and Thirty-Seven Cents (\$832,247.37) as of April 29, 2004, principal, interest, and late fees, plus a per diem rate of interest of Seventy Dollars and Thirty-Four Cents (\$70.34), which sum the Plaintiff is entitled to recover from the said Defendants, jointly and severally, together with the costs of this action, all without relief from valuation or appraisement laws.

4. That said sums are secured by a mortgage upon the real estate described in the Plaintiff's Complaint, and that the Plaintiff is entitled to have said mortgage foreclosed against said real estate.

5. That the Defendants have the right to redeem the said real estate at any time prior to the Sheriff's sale of the same as ordered hereinafter, by payment to the Clerk or to the Sheriff, Monroe County, Indiana, the amount of the judgment or judgments herein, plus interest and costs, as provided by law.

6. That the Plaintiff's counsel of record should provide a title examination letter or a title insurance policy prior to said sale, and the costs of said title work should be taxed as part of the expenses and costs of the sale of said real estate, all pursuant to Trial Rule 69(F), Rules of Trial Procedure.

7. That the Plaintiff's mortgage herein was executed on the 14th day of April, 1992, and pursuant to Indiana Code § 32-8-16-1 any judgment creditor herein may praecipe

the Clerk of this Court after three (3) months from the date the Plaintiff's Complaint was filed herein or the 19th day of February, 2004, for said Clerk to issue process to the Sheriff of Monroe County for the sale of said real estate as provided herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court as follows:

1. The Plaintiff, Monroe Bank, have and recover from the Defendants, Edward A. Fellure and Myra J. Fellure, jointly and severally, the sum of Eight Hundred Thirty-Two Thousand Two Hundred Forty-Seven Dollars and Thirty-Seven Cents (\$832,247.37) as of April 29, 2004, principal, interest, and late fees, with interest thereon from April 29, 2004 at a per diem rate of Seventy Dollars and Thirty-Four Cents (\$70.34), to the date hereof, and with interest as provided by law after the date hereof, plus all costs incurred herein, all without relief from valuation and appraisement laws.

2. The judgment of the Plaintiff, Monroe Bank, be foreclosed against the following described real estate located in Monroe County, Indiana, to-wit:

In Section 21, Township 10 North, Range 3 West, beginning at a point which is 1101.3 feet East and 1283.75 feet South of the Northwest corner of the Southwest quarter of said Section 21, said point of beginning being also further described as being 177.3 feet East and 52.25 feet South of a stone recorded as stone marked "2" and indicated by a 1 1/2 inch iron pipe; said reference stone being at the Southwest corner of Morningside Addition to the Town of Spencer, Indiana, and likewise at the Southeast corner of Wark's Addition to said Town of Spencer; running thence South 3 degrees 4 minutes East a distance of 375 feet; thence North 86 degrees; 56 minutes East a distance of 580.8 feet; thence North 3 degrees 4 minutes West a distance of 375 feet; thence South 86 degrees 56 minutes West along

and with the South right-of-way of Vandalia Railroad a distance of 580.8 feet to the place of beginning.

Also, together with the rights granted and contained in a certain Warranty Deed dated October 15, 1984 and recorded October 7, 1986 in Deed Book 151, pages 291-293, Recorder's office, Owen County, Indiana, which rights were granted by the Grantor in said deed to the Grantee in said Deed and being described therein as follows:

The right, power and privilege to construct, inspect, maintain, operate, repair and remove a sewer or drainage tile line, over, across, in and under the lands of the Grantors from a point on the South line of the real estate herein conveyed to Grantee running thence South to White River. Said right of way is more particularly described as follows: Beginning at a point on the South line of the above described real estate, which point is 290 feet West of the Southeast corner of said tract, and running thence South to White River, which right of way hereby granted shall be of sufficient width to enable Grantee to construct, inspect, maintain, operate, repair and remove such sewer or drainage tile line.

Also, the right to enter upon the lands of Grantors for the purpose of constructing, inspecting, maintaining, operating, repairing and removing such sewer or drainage tile line, and Grantee shall pay Grantors for such damage to Grantor's real estate or growing crops as may be necessarily occasioned by such entry. The easement and rights hereby granted shall operate as a covenant running with the land.

Subject to an easement and right to enter upon the real estate described as follows:

A part of the Southwest quarter of the Southwest quarter of Section Twenty-one (21), Township Ten (10) North, Range Three (3) West, Owen County, Indiana, and more particularly described as follows:

Commencing at the Southwest corner of said quarter quarter Section; thence East Zero (0) degrees and Zero (00) minutes North 29.04 rods (479.2 feet); thence North Zero (0) degrees and Zero (00) minutes East 60.50 feet to the place of beginning; thence North Zero (0) degrees and Zero (00) minutes East 589.00 feet; thence North Eighty-eight (88) degrees and Fifty-seven (57) minutes East 211.50 feet; thence South Zero (0) degrees and Zero (00) minutes West

589.00 feet; thence South Eighty-eight (88) degrees and Fifty-seven (57) minutes West 211.50 feet to the place of beginning.

Also; Beginning at a point 1101.3 feet East and 1283.75 feet South of the Northwest corner of the Southwest quarter of said Section 21, Township 10 North, Range 3 West and running thence South 3 degrees 4 minutes East a distance of 375 feet to the point of beginning of this tract; and running thence South 35 feet; thence North 86 degrees 56 minutes East a distance of 956.2 feet; thence North 3 degrees 4 minutes West 410 feet; thence South 86 degrees 56 minutes West along the South right-of-way line of Vandalia Rail Road 375.4 feet; thence South 375 feet; thence West parallel with the South line of this tract 580.8 feet to the place of beginning.

Subject to an ingress/egress easement described as follows:

Beginning at the above mentioned Point of Beginning; thence South 86 degrees, 56 minutes, 00 seconds, West, a distance of 583.04 feet; thence North (assumed bearing), a distance of 35.0 feet along the East right-of-way line of Taylor Street; thence North 86 degrees, 56 minutes, 00 seconds East, a distance of 580.80 feet; thence South 03 degrees, 40 minutes, 05 seconds East, a distance of 34.95 feet, to the point of beginning.

Subject to a uniform 35-foot wide ingress/egress easement lying 17.5 feet on each side of the following described centerline: Commencing at the above mentioned Point of Beginning; thence North 03 degrees, 40 minutes, 05 seconds West, a distance of 292.42 feet to the Point of Beginning; thence Northwesterly along a curve concave to the Northeast with an arc distance of 26.46 feet, a chord distance of 26.39 feet, a radius of 100.00 feet, an interior angle of 15 degrees, 09 minutes, 44 seconds, a chord bearing of North 71 degrees, 12 minutes, 12 seconds West; thence North 63 degrees, 37 minutes, 20 seconds West, a distance of 175.00 feet; thence North 03 degrees, 40 minutes, 05 seconds West, a distance of 16.96 feet to the point of termination at the South right-of-way line of the Vandalia Railroad.

EXCEPT THE FOLLOWING:

A part of the Southwest Quarter of Section 21, Township 10 North, Range 03 West of the Second Principal Meridian, Owen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section; thence South a distance of 1,283.75 feet; thence East a distance of 1,101.3 feet; thence South 03 degrees, 40 minutes, 05 seconds East (Deed Bearing South 03 degrees, 04 minutes, 00 seconds East), a distance of 409.95 feet to the Point of Beginning; thence North 03 degrees, 40 minutes, 05 seconds West, a distance of 409.95 feet to an iron pin set this survey (deed bearing - North 03 degrees, 04 minutes, West); thence North 86 degrees, 22 minutes, 40 seconds East on and along the South right-of-way of Vandalia Railroad, a distance of 375.40 feet to an iron pin found this survey; thence South 03 degrees, 21 minutes, 18 seconds East, a distance of 413.57 feet (deed bearing and distance - South 03 degrees, 04 minutes East, a distance of 410 feet); thence South 86 degrees, 56 minutes, 00 seconds West, a distance of 373.16 feet to the Point of Beginning; containing 3.54 acres, more or less, subject to all legal rights-of-way and easements of record.

Said property is more commonly known as 640 E. Franklin Street, Spencer, Indiana 47460

3. The above described real estate, all right, title and interest of the Defendants, Edward A. Fellure and Myra J. Fellure, and all persons claiming from, under or through them, or either of them, in and to the real estate shall be sold by the Sheriff of Owen County, Indiana, in the manner as by law provided, without relief from valuation or appraisal laws; and the proceeds thereof shall be applied in the following order:

First, to the payment of the costs of this action, accrued and to accrue, together with the costs and expenses of the Sheriff's sale of the real estate, including Receiver's fees and title costs;

Second, to the payment of the Plaintiff, Monroe Bank, of the sum of Eight Hundred Thirty-Two Thousand Two Hundred Forty-Seven Dollars and Thirty-Seven Cents (\$832,247.37) as of April 29, 2004, principal, interest, and late

fees as of April 29, 2004, and with interest thereon at the per diem rate of Seventy Dollars and Thirty-Four Cents (\$70.34) from April 29, 2004 to the date hereof, and with interest after the date hereof as provided by law, plus costs herein;

Third, the balance, if any, to be paid to the Clerk of Owen County, Indiana, for the use and benefit of those rightfully entitled thereto, and subject to further order of this Court.

4. That if the proceeds of such sale shall not be sufficient to satisfy the amount herein found to be due and owing to the Plaintiff, the Sheriff of Owen County, Indiana, shall immediately levy upon the goods and chattels of the Defendants, Edward A. Fellure and Myra J. Fellure, until such judgment is paid in full.

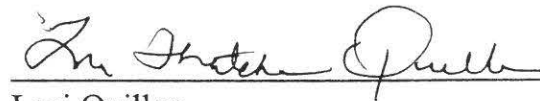
5. Upon the execution by the Sheriff of the Deed of conveyance of the real estate hereunder, if not previously redeemed by the person or persons entitled thereto, any person who may be in possession of the real estate, or any part thereof, upon demand and exhibition of said Sheriff's Deed, or a true copy thereof, shall forthwith surrender the real estate to the holder of such deed; and in the event such person so in possession of the real estate shall refuse to fully and peacefully surrender possession of the real estate, the Sheriff of Owen County shall forthwith vacate the real estate and give full and peaceful possession thereof to the purchaser under said Sheriff's sale.



6. The right to redeem the above described real estate from the judgment or judgments herein by the Defendants, Edward A. Fellure and Myra J. Fellure, and all persons claiming from, under, or through them shall expire and terminate upon the sale by the Sheriff of said real estate, and thereafter, any and all interests of any Defendants herein, and all persons claiming from, under, or through them shall forever be barred.

7. A copy of this decree, duly certified by the Clerk of Owen County under the seal of this Court, shall be sufficient authority to the Sheriff of Owen County, Indiana, to proceed as herein directed.

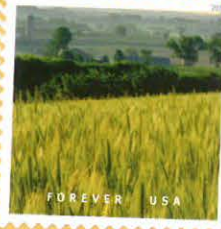
All of which is ORDERED, ADJUDGED, AND DECREED this 3d day of Nov, 2004.



Lori Quillen  
Judge Pro Tem  
Owen Circuit Court

Copies to:

Robert Delano Jones  
Steven K. Emery  
Clerk



Ms. Dion Novak, Remedial Project Manager  
U.S. EPA, Region 5, Superfund Division  
RR Branch 2, RR Section 3 SR-6J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-1590

